

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE, AT MEMPHIS

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**INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 474, et al.,**

**Plaintiffs,**

v.

**Civil Action No. 2:06CV2151-MI**

**EAGLE ELECTRIC CO., INC.,**

**Defendant.**

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**CONSENT ORDER**

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COME NOW, counsel for Plaintiffs and Fred Behles, Chief Executive Officer of Eagle Electric Company, Inc., and would submit to the Court that Mr. Behles and Plaintiffs' counsel have agreed to the following as conditions by which Mr. Behles may purge himself of the Order of Contempt entered by the Court on March 9, 2007 and be released from custody. Per said agreement, Mr. Behles agrees to the following and states such under oath before United States Magistrate Judge Diane K. Vescovo on this 20<sup>th</sup> day of March 2007:

1. Mr. Behles shall make the business records of Eagle Electric Company, Inc., currently stored at 1921 Churchill Gate Cove, Cordova, Tennessee and at 6989 LeGrange Hill, Cordova, Tennessee, available for inspection and copying by counsel for Plaintiffs at 1:00 p.m. on March 22, 2007, at one or both of the above addresses. Mr. Behles agrees to provide access to the buildings located at the above addresses and make such records available until such time as Plaintiffs' counsel completes her

inspection thereof. In particular, Mr. Behles is instructed to make available the following records for inspection and copying:

- a. All monthly payroll registers for the months of:

September - November 2004  
January - December 2005  
January - December 2006  
January - March 2007

- b. All quarterly payroll tax returns for:

4<sup>th</sup> quarter of 2004  
All quarters of 2005  
All quarters of 2006  
1<sup>st</sup> quarter of 2007

In the event the above records are not available or have not yet been prepared, Mr. Behles agrees to make available for inspection and copying the raw data from which such records would be prepared. Upon the completion of Plaintiffs' inspection of said records, Mr. Behles agrees to make photocopies of the records requested by Plaintiffs' counsel and submit such photocopies to Plaintiffs' counsel at her office at One Commerce Square, Suite 2700, Memphis, Tennessee on or before 5:00 p.m. on March 23, 2007 or, in the alternative, Mr. Behles agrees to permit Plaintiffs' counsel to take such records and make copies of them at her office after which Mr. Behles may retrieve them from the office of Plaintiffs' counsel at a time convenient to Mr. Behles, but not before 5:00 p.m. on March 23, 2007.

2. On or before 1:00 p.m. on March 22, 2007, Mr. Behles shall provide Plaintiffs' counsel with three (3) dates within thirty (30) days of the entry of this Order on which he will make all of Eagle Electric Company, Inc.'s records available for an

audit to be conducted by an auditor of Plaintiffs' choosing. On the date of the audit, Mr. Behles agrees to make himself and said records available to the auditor and agrees to cooperate with the audit to the extent necessary to complete the audit. Mr. Behles agrees that Eagle Electric Company, Inc. shall be responsible for the cost of said audit and shall pay such costs within thirty (30) days of the receipt of the invoice for such audit.

3. Mr. Behles agrees to appear at the offices of Harris Shelton Hanover & Walsh, PLLC at One Commerce Square, Suite 2700, Memphis Tennessee for the purposes of giving a deposition at 11:00 a.m. on the first Monday following the receipt of the auditor's report.
4. Mr. Behles agrees to submit to counsel for Plaintiffs, on or before March 22, 2007 at 1:00 p.m., either a certified check or cashier's check in the amount of \$2,786.00 made out to NECA-IBEW Memphis Retirement Plan and a separate certified check or cashier's check made out to NECA-IBEW Family Medical Plan in the amount of \$2,785.00. Said amounts shall be in satisfaction of the attorneys' fees awarded by the Court in its Orders on sanctions against Eagle Electric Company, Inc. and Fred Behles.
5. Mr. Behles acknowledges and agrees that the Court is granting his release from custody on the strict condition that he satisfy all terms of this Order by the dates set out herein. In the event Mr. Behles fails to comply fully with the terms of this Order, Mr. Behles agrees that he shall consent to be held in contempt by the Court, that the

Court will order his arrest and that he shall be detainment until such time as he is able to comply with the terms of this Order and the previously entered Orders of the Court.

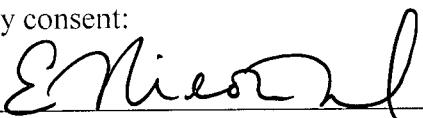
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED this 20<sup>th</sup> day of March, 2007.

RECD FD

s/Diane K. Vescovo

UNITED STATES MAGISTRATE JUDGE

By consent:



E. Nicole Trail (TN Bar No. 18257)  
Harris Shelton Hanover & Walsh, PLLC  
One Commerce Square, Ste. 2700  
Memphis, Tennessee 38103  
(901) 525-1455



Fred Behles  
1921 Churchill Gate Cove  
Cordova, Tennessee 38103